

## August 15, 2013, Zoning Administrator Agenda Comments

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### **Item B: Minutes of Month July 25, 2013**

Suggested corrections to passages in *italics* are shown in ~~strikeout~~ underline format.

1. Page 3, paragraph 6: “*A member of the general public inquired about the parking location for the Girl Scouts facility.*” I haven’t had a chance to review the audio minutes, but I seem to recall that at some point in the hearing (although perhaps not at this point) the couple in attendance, who I believe identified themselves as residents from across Balboa Boulevard, expressed additional concerns about the general intensification of use, reasoning that what they thought was a doubling in size compared to the existing facility would lead to significantly increased use, trips and activity and thereby create a disturbance to neighbors. I remember they also questioned the safety of the fire ring, but did so after the hearing had ended.
2. Page 3, line 3 from end: “*They are separate and distinct and it is not appropriate to include a reference to the lease ~~term~~ terms as a condition of approval.*” (? – I think this was meant to be “terms” [conditions], as in the previous sentence, rather than “term” [length], but I could be wrong)
3. Page 4, full paragraph 4 “*The Zoning Administrator commented on the proposed changes to the draft resolution and instructed staff to correct the typographical error in Finding A2,...*”

Note: regarding the revision to Condition 18, I think the change was appropriate, but it occurred to me after the hearing that even if entry to the building and grounds will be by means of an electronic key system, in the event of power failure the system must have some kind of manual alternative using physical keys, and it is probably those physical keys that the Fire Department wants available on site in a device “such as” a Knox Box.

### **Item 1. Via Koron Lot Line Adjustment (PA2013-119)**

1. Neither the staff report nor the proposed resolution provide the public with much clarity as to the whether there is a continuing problem with the other development on this block. In particular, the adjustment maps shown on the last two pages (handwritten 21 and 22) appear to show that after this action Lot 650 will be reduced to an unusably narrow fragment, and comparison with the aerial photo on handwritten page 14, suggests that between the present property and Strada Centro there are four numbered residential developments (120, 122, 126 and 130) on two and one-half legal lots (half of 650, 651, and 655).
  - a. Is the applicant the owner of all of legal lot 650? Or just a portion of it?

- b. If additional adjustments to 650, or the other legal lots, are necessary to make them conform to the actual pattern of development, how does this action impact them?
2. In the proposed resolution, I do not understand how required Finding C can be made. After this action legal lots 648 and 649 (Parcels 1 and 2) will be consistent with the regulations, but the surviving legal lot 650 will be reduced to half its present width, which certainly less conforming than it is now.
3. As Section 1.4 indicates, the properties are in the Coastal Zone, and a reminder that an application for a Coastal Development Permit is needed to determine consistency with the Coastal Act (including whether the adjustment is consistent with the dwelling units per acre requirement cited in Section 1.4 – something that is not addressed in the resolution or staff report) should be included as a Condition of Approval.
4. Regarding Condition of Approval 3, are there any other benefit/development fees (parks, affordable housing, etc.) required if a new dwelling unit is developed (see, for example, Conditions 15 and 16 to Item 2)?

### **Item 2. 416 Orchid Parcel Map (PA2013-124)**

1. In the Discussion portion of the staff report, does the statement regarding the square footage of the previous single family residence (bottom of page 1) refer to the entire residence, or to the garage only?
2. With regard to Conditions 15 and 16, wasn't the requirement to pay these fees triggered by the approval to develop a duplex?
  - a. The staff report (page 3), says "*these fees are subject to change and the tentative parcel map is subject to conditions of approval that require the applicant to pay the fees in-effect at the time of payment, not those in-effect at the time of approval.*" But, there is no language about the timing of the payments in the Conditions of Approval as written. Does there need to (or should there?) be?
3. Also, is there a separate "Fair Share" fee involved (see Condition 3 of Item 1)?

### **Item 3. 606 Acacia Parcel Map (PA2013-125)**

1. This is essentially the same staff report and proposed resolution as for Item 2, so the same comments apply.
2. In addition, with regard to Finding K, Comment 3 for Item 1 (above) about the Coastal Act requirements applies, and again neither the staff report nor the resolution indicates what the resulting number of dwelling units per acre will be.
3. Condition of Approval 11 is slightly ungrammatical. It was probably meant to say something like: "*Prior to recordation of the parcel map, install new sod or low groundcovers of the type approved by the City throughout the portion of Acacia Avenue fronting the development site.*" (?)

4. Condition 18, requiring planting of a *Southern Magnolia (Russett)* tree in the public parkway, would appear to be in conflict with NBMC Section 13.08.020. That section restricts the trees that can be legally planted in the parkway to those appearing on the Official Tree List on file with the City Clerk. According to that list, the Official Tree from 400 to 700 Acacia is an Acacia, specifically "*Acacia c. 'Emerald Cascade'* -- *RIVER WATTLE*."
  - a. Whatever the correct species, "**Chapter 13 of the City Municipal Code**" should read "**Title 13 of the City Municipal Code**."
  - b. As far as I know there is no requirement for a 36-inch box in Title 13. I believe that is a requirement for citizen-initiated reforestation requests (that is, for applicant-funded replacement of existing healthy City trees) found in City Council Policy G-1. The general planting requirement for parkway trees in Council Policy G-6 is for 24-inch boxes.

#### **Item 4. 1301 Dove Street Comprehensive Sign Program (PA2013-063)**

For consistency of planning, I think the request being considered here would be better addressed through a proposal to change the sign standards in the Newport Place Planned Community Development Plan (PC Text), rather than through creation of individual, and possibly inconsistent, sign programs *within* what is supposed to be a planned community.

As to the proposed Resolution:

1. In Section 1.4.a: "*To allow two monument signs (Sign Type 1) to ~~increase in~~ exceed the sign height limit by one foot.*"
2. In Section 1.4.b: "*To allow one address sign (Sign Type 2) ~~to increase in the sign area~~ of 46 square feet (6 ft x 7.66 ft) to be mounted onto the building canopy. The type and size of the proposed sign are not specifically permitted by the PC Text; however, they are limited to a maximum of 72 square inches and 8 inches in height for letters and individual numbers pursuant to the Zoning Code. The purpose of the request is to provide patrons better visibility in ~~identifies~~ identifying the building address and entry point to the building.*"
  - a. The change from 72 square inches to 46 square feet seems like a tremendous increase to me, and I'm not convinced it's justified or consistent with other buildings in the area: the address sign shown on handwritten page 30 seems grossly out of scale with the architecture of the entrance canopy, certainly from the vantage point illustrated on page 42 (that is, it seems much larger than necessary to achieve its purpose). See also comment 6d, below.
3. In Section 1.4.c: "*To allow five directional signs (Sign Type 3) to ~~increase~~ exceed the sign height limit by 2 feet for a total of 6 feet.*"
  - a. Exceeding the height limit raises concerns that these might restrict sight lines and visibility both for motorists and pedestrians. That this is a valid concern seems to be acknowledged in Condition of Approval 4.

- b. From the illustration on handwritten page 35, I do not understand the need for the 6 foot height.
4. In Section 1.4.d: “*The purpose of these additional signs is to provide identification for up to four major ~~tents~~ tenants within the ten-story building that would be visible from Dove Street and from the parking lot.*”
5. In Section 2.1: “*This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act, pursuant to Section 15311 of the Guidelines for Implementation (Class 11 – Accessory Structures).*”
6. In Section 3 – Modification Permit
  - a. Finding A: The facts fail to convince me that deviating from the cohesive vision of the PC Text is necessary to achieve compatibility. I would assume the opposite.
  - b. Fact A.2.a: “*The purpose of the request is to provide ~~motorist~~ motorists better visibility in identifying the subject property from Dove Street.*”
  - c. Fact A.2.d: If the building has 34 tenants it is not entirely clear what is achieved by advertising 4 of them.
  - d. Finding B: since there is apparently only one building at this location, an address sign closer to the street, at the actual motorist entry, would seem more useful to avoid confusion due to the 170 foot setback, and would provide more immediate identification. Why is the address text not simply integrated into the monument signs flanking the entryway (handwritten page 33)?
  - e. Finding C: I am not convinced this property is subject to unusual hardships.
  - f. Finding D: See B, above. I think a smaller address sign at the street would be a better alternative.
  - g. Fact D.2: The “foreseeable detriment” of a proliferation of oversized signs is visual blight.
  - h. Fact E.1: See preceding comment, and 3a, above regarding the possible hazards associated with oversized directional signs.
7. In Section 3 – Comprehensive Sign Program
  - a. Fact A.1: “*The application ~~of the~~ for a Comprehensive Sign Program is appropriate in order to allow flexibility of signage regulations for projects that require multiple signs. ... In doing so, the purpose of the PC Text and Zoning Code is achieved ~~and allows incentive and~~ while allowing latitude in the design and display of multiple signs.*”
    - i. It seems doubtful to me that increasing, and especially incentivizing, latitude in design furthers the purpose of the PC Text. I would have assumed the purpose of the PC Text was to limit latitude and enforce uniform design. If increased latitude is desired, the Text should be amended.

- b. Fact A.2: “*The proposed sign program would be more **applicable and comparable** to other multiple-tenant office buildings located within the Newport Place Planned Community.*”
- c. Finding D: I am not convinced that the decision to give special prominence to 4 of 34 tenants (up to 6 total including the even larger parapet signs, and possibly 8 more on the monument signs at the entrance) adequately forecloses the need for revision due to future changes in use or tenants.
- d. Fact E.1: “*The Sign Program requests **deviation deviations** in **the** sign height of up to 30 percent and 20 percent for the number, location and height of the proposed signs **to** aid and enhance the identification and visibility of the commercial tenants from the public roadway.*”
  - i. I am guessing this statement does not include the deviations allowed by the Modification Permit which, for example for the address sign, appears to allow a deviation of much more than 20-30% (8 inch letters going to 6 foot letters).

### ***Item 5. Spade Day Spa Minor Use Permit (PA2013-140)***

- 1. Section 2.1: “*This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities) **in the Guidelines for Implementation.***”
- 2. Finding B.3 is not convincing that if there are already two fitness/wellness operations and other unspecified “personal services” in the center that the approval of an additional day spa would not create an overabundance or overconcentration of uses different from those anticipated in the PC Text. That would seem to depend, among other things, on how many units there are in the center, which is not specified.

### ***Item D: Public Comments on Non-Agenda Items***

I would like to suggest that in the Conditions of Approval sections of Zoning Administrator resolutions, it would be useful to more clearly separate the conditions that are intended to quote existing code requirements, and are included only as reminders to the applicants, from the special conditions that are intended to waive or modify the usual requirements. This distinction is not always clear, and can lead to confusion by creating the impression that the listing of certain conditions implies that those that aren't listed are less important, or that a slight variation in phrasing means a modification to the normal requirement is intended. I would suggest that all the “reminder” type conditions be segregated in a section of their own with a header indicating they are quotes of existing code requirements highlighted for the convenience of the applicant, but not intended to modify those, or any other, requirements. If that exercise reveals there are special conditions being added to all, or nearly all, approvals, then that might suggest those requirements should be made part of the code.